

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 99-545 (DSD/JGL)

Gas Aggregation Services, Inc.,

Plaintiff,

v.

ORDER

Howard Avista Energy, LLC and
Howard Energy Marketing, Inc.,

Defendants.

and

Howard Avista Energy, LLC,

Third-Party Plaintiff,

v.

Manjit Bajwa,

Third-Party Defendant.

This matter is before the court upon plaintiff's objections to the report and recommendation of United States Magistrate Judge Jonathan Lebedoff, dated June 22, 2005. In his report, the magistrate judge concluded, inter alia, that the motion of Thomas A. Foster for attorney's fees and perfection of lien should be granted.

The court reviews the reports and recommendations of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). After a thorough review of the entire file and record, the court finds that the magistrate judge employed appropriate procedures and that his report and recommendation is well-reasoned and correctly applies

the law to the parties' fee dispute. Therefore, the court adopts the report and recommendation of the magistrate judge in its entirety.¹

Accordingly, **IT IS HEREBY ORDERED** that:

1. Mr. Foster's motion for attorney's fees and perfection of lien [Doc. Nos. 116 & 120] is granted in its entirety.

2. Mr. Foster shall recover of GSI the reasonable attorney's fees he has incurred to enforce his lien.

Dated: July 26, 2005

s/David S. Doty
David S. Doty, Judge
United States District Court

¹ Should it become necessary for the designation of the record on appeal, the court should note that it has refused, in its discretion, to consider the deposition of John Calo because it was not previously provided to the magistrate judge. See Wallace v. Tilley, 41 F.3d 296, 302 (7th Cir. 1994) ("[i]t is not in the interests of justice to allow a party to wait until the Report and Recommendation or Order has been issued and then submit evidence that the party had in its possession but chose not to submit").